

**Roll Call**

CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA

A regular meeting of the City Council was called to order by City Council President Ryan R. O'Donnell. At 7:36 p.m. on a roll call the following City Councilors were present:

At-Large Councilor William H. Dwight	At-Large Councilor Ryan R. O'Donnell
Ward 2 Councilor Dennis P. Bidwell	Ward 3 Councilor James Nash
Ward 4 Councilor Gina-Louise Sciarra	Ward 5 Councilor David A. Murphy
Ward 6 Councilor Marianne L. LaBarge	Ward 7 Councilor Alisa F. Klein

Absent: Ward 1 Councilor Maureen T. Carney

Announcement of Audio/Video Recording

Councilor O'Donnell announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.

Public Hearings

Public Hearings
None.

Updates from Council President & Committee Chairs**Updates from Council President & Committee Chairs**

Councilor Dwight announced that, although an ordinance proposing a cap on retail marijuana establishments is on tonight's agenda for referral to the Legislative Matters (LM) Committee, it is too late to post this item for the LM meeting on April 9th, since the 48-hour posting deadline for that meeting has already passed. Therefore, discussion/ action on this ordinance will be taken up at the committee's next regular meeting on May 14th.

Communications and Proclamations from Mayor**Communications and Proclamations From the Mayor:**

Mayor Narkewicz presented a request to invoke Article 3, Section 3-7 of the Northampton Charter, a provision allowing the City Council President to act as Mayor in the Mayor's absence subject to an affirmative vote by the City Council to determine that the Mayor is temporarily unable to act in this capacity. The request is for the period April 14, 2018 through April 22, 2018, when the Mayor will be traveling abroad.

Councilor Dwight made a motion to invoke Article 3-7 as requested for April 14th through April 22nd. Councilor Murphy seconded. The motion passed unanimously 8:0 by roll call vote.

Mayor Narkewicz announced that he has scheduled three Town Hall budget meetings: Tuesday, April 24, 2018 at the Lilly Library in Florence, Wednesday, April 25, 2018 at the Northampton Senior Center and Thursday, April 26, 2018 in the cafeteria at Leeds Elementary School.

Consent Agenda**Consent Agenda**

Councilor O'Donnell reviewed the items on the consent agenda. He asked if anyone wished to remove an item for separate discussion. As no one did, Councilor Dwight moved to approve the consent agenda. Councilor LaBarge seconded. The motion passed unanimously 8:0 by voice vote (Carney absent).

The following items were approved as part of the consent agenda:

- A. Approval of Minutes of March 1, 2018
- B. 18.057 Appointment to Northampton Housing Authority - Positive

	<p><u>Recommendation, City Services - 04/02/2018</u> Marilyn Richards, 20 Bridge Rd., Unit 8, Florence Term: March 2018-June 2023 <i>(Replacing expired term of Lynne Wallace)</i></p> <p>C. <u>18.071 Appointments to Disability Commission and Planning Board</u> <u>(Associate & Full Member)</u> <u>Disability Commission</u> Emma Cornwell, 35 Holyoke Street, Northampton, MA 01060 Term: March 2018 - June 2019 <i>(To replace the unexpired term of Ruth McCrath)</i></p> <p><u>Planning Board</u> Janna White, 18 Hancock Street, Northampton, MA 01060 Term: March 2018 - June 2019 <i>(As Associate Member to replace the unexpired term of Euripedes de Oliveira)</i></p> <p>Euripedes de Oliveira, 9 Washington Place, Northampton, MA 01060 Term: March 2018 - June 2019 <i>(As a Full Member to fill the unexpired term of Ann Dewitt Brooks)</i></p> <p>D. <u>18.081 Appointment of Marie Westburg as Director of Senior Services</u> - for referral to City Services</p> <p>E. <u>18.082 Appointments to the Arts Council and Housing Authority</u> - for referral to City Services</p> <p><u>Arts Council</u> John Thorpe, 97 South St., Northampton, MA 01060 Term: April 2018 - June 2021 <i>(To replace the expired term of Herbert Ross)</i></p> <p>Eamonn Edge, 56 Summer St., Northampton, MA 01060 Term: April 2018 - June 2019 <i>(To replace the term of Joe Pesce)</i></p> <p>Dara Herman Zierlan, 49 Lyman Road, Northampton, MA Term: April 2018 - June 2021 <i>(To replace the expired term of Eric Olsson)</i></p> <p>Northampton Housing Authority Board of Commissioners Fenessa Hayde, 17B Hampshire Heights, Northampton, MA Term: April 2018 - June 2023 <i>(To replace the expired term of Ronald Hebert)</i></p>
<u>Recognitions and One-Minute Announcements</u>	<p><u>Recognitions and One-Minute Announcements</u> None</p>
	<p><u>Resolutions:</u></p> <p><u>18.078 A Resolution in Support of Legislation to Reduce Gun Violence in Massachusetts - 1st Reading</u> Councilor O'Donnell read the text of the resolution.</p> <p>Councilor Dwight moved to approve the resolution in first reading. Councilor Klein seconded.</p> <p>Councilor O'Donnell explained his motivation for offering the resolution. It was less an intellectual process and originally an emotional process, he related. He got the idea when he was standing in a sea of literally thousands of people who had marched from the high school directly to the steps of city hall to demand action on gun violence. Even though the focus was clearly congress and the states, he thought it would be almost bizarre if the City Council did not at least acknowledge what was probably a record turnout for a march of unprecedented proportions. He also thought it was important to bring this resolution to the Youth Commission, which heard it last night, debated it and asked many good questions. He thinks it is essential to recognize the leadership of this movement, which is not them but is a new generation.</p> <p>The declaration is a resolution and does not create law, he acknowledged. However,</p>

he sees these as the low-hanging fruit which could be done tomorrow with the possible exception of divestment. The organizers of the march came and made a demand, and he thinks they need to stand with them and show solidarity with that demand. During the march, a young person called the speaker of the house and held out his cell phone while the entire crowd screamed into the phone, he reported. He thanked Councilor Klein for adding several key points to the statement.

Councilor Dwight offered a minor amendment proposed by the Youth Commission. The statement that, on March 24, 2018, "thousands of citizens led by young people" marched from Northampton High School to City Hall is more accurate than stating "thousands of young people" marched, he said. It was youth that inspired and organized the march and spoke passionately but he thinks this phrasing is more appropriate. He presented the change as a motion, and Councilor LaBarge seconded.

Councilor Klein suggested "thousands of **people** led by young people" instead of the term citizens, and Councilor Dwight accepted this change as a friendly amendment to his motion. Councilor O'Donnell called the motion to amend to a vote, and it passed unanimously 8:0 by voice vote.

Under Section Two, Extreme Risk Protection Orders, also per the recommendation of Youth Commission members, Councilor Dwight moved to amend the text to change the third 'Whereas' clause to read, "while **access to guns is** the true problem," instead of "**while guns are** the true problem." Councilor Bidwell seconded. The motion passed unanimously 8:0 by voice vote.

Councilor Dwight said he is grateful for the acknowledgement and thinks it is very appropriate given the events of recent days. He was moved and genuinely excited and heartened by the demonstrations, the articulated passions and the maturity evident at the march, which was quite humbling. He just wanted to say 'amen.'

Councilor Klein thanked the lead sponsor, Councilor O'Donnell. She was excited to be asked to co-sponsor the resolution as this is an issue that she has studied quite a bit and followed in state legislature. She basically threw at Councilor O'Donnell an analysis of every piece of state legislation currently on the floor and they whittled the bills down to focus on those they wholeheartedly support. She referred to a bill mentioned by Will Meyer that would not allow any local jurisdiction over legislation having to do with guns. She takes very seriously the suggestion by Andrew Smith that councilors think about what they can do locally in terms of ordinances and hopes to pursue that as much as she possibly can in the coming year, she volunteered.

More than 32,000 people die and 67,000 are injured by firearms each year, Councilor Klein continued. Males - particularly black men - and communities of color are disproportionately affected by gun violence, and this alone needs to serve as a call for action to limit guns, she suggested. One compelling point she discovered in her research is that, for decades, public opinion polls have consistently polled public sentiment on this subject, and the polls have consistently been disregarded. Consistently participants have indicated strong support for policies that limit gun violence. There is really massive public support for this legislation, she concluded.

He has been thinking long and hard about this issue for years, Councilor Nash agreed. The only thing that knocks President Trump off the front page is this type of violence. This has really gone on for too long. We as a society have really gone way out of our way to accommodate the gun industry and gun ownership, and that needs to change, he suggested. Yesterday was the anniversary of Martin Luther King and his assassination and, in a few months, the nation will commemorate the assassination of Bobby Kennedy. Northampton has a middle school named after a president that was assassinated. He mentioned people he knows personally (a best friend from high school and a childhood friend of his wife) who committed suicide with guns.

Charles Blow likes to say that we are awash in guns. We have three hundred million guns available in this country. It has changed our culture and the way we practice

free speech. It is starting to change the way they and their children interact with their schools. We have to go through a gauntlet to get into our schools and be searched to go into our courthouses, he pointed out. It affects how the police interact with all of them and particularly with people of color. When he went through the citizen's police academy, this was an ever-present theme police talked about. Police are trained now to expect people to be armed. He thanked Councilor O'Donnell for bringing this forward. He is going to vote in favor, he confirmed.

As a city councilor, she stands with the students, Councilor LaBarge agreed. She listened to their voices demanding a safer future. All the voices of their students were heard as they marched from the high school to city hall. At the Pioneer Valley March for Our Lives, two thousand five hundred to three thousand, including thousands of young people, stood up for their belief that every life is worth fighting for. She mentioned House Bill 3610, House Bill 3081, House Bill 1285 and Senate 1292. She feels background checks are of extreme importance and can save lives. "I support the resolution," she confirmed.

She also was deeply moved by the young people here, around the country and around the world, Councilor Sciarra related. She agrees with all that's in the resolution and all the bills. She is in favor of anything that bolsters gun laws. Many people have referenced that there's so much more that needs to be done. She referred to an appalling statewide statistic; particularly, that Massachusetts is a leader of gun control and has a ban on assault weapons but that the very thing banned in the Commonwealth is actually manufactured here. As a state, we have to grapple with the fact that we are putting guns into the world that we won't allow to be sold here. She feels that that is really morally reprehensible and that this always has to be acknowledged. She very much supports the resolution.

He would like to see this as Northampton signing up, and calling for others to sign up, to a commitment to ending gun violence in their state and in their nation, Councilor O'Donnell intoned. He hopes tonight is just one example of government, albeit at a lower level, acknowledging something that has gone unacknowledged for too long. He thanked the organizers of the Pioneer Valley March for Our Lives.

Councilor O'Donnell called the motion to a vote, and it passed unanimously 8:0 by roll call. (Carney absent.)

**Recess for
Committee on
Finance Meeting**

At 8:03 p.m. the City Council recessed for the Committee on Finance meeting. The Committee on Finance meeting adjourned at 8:18 p.m. The City Council reconvened at 8:20 p.m.

**Financial Orders
(on 1st reading
pending Finance
review)
18.070 Order to
Establish Water
and Sewer Rates
for FY 2019 - 1st
Reading**

Financial Orders (on 1st reading pending Finance review)

18.070 Order to Establish Water and Sewer Rates for FY 2019 - 1st Reading
Councilor O'Donnell read the text of the order.

Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with one absence (Councilor Carney)

The Finance Committee gave the order a positive recommendation, Councilor Murphy reported.

In terms of the recommendation, councilors may recall that, in FY2016 – the first year the Mayor's office and city council were jointly responsible for setting rates - the city froze water and sewer rates, Mayor Narkewicz reminded. In FY2017, city officials did an analysis and study to restructure rates to create the new tiered rate system now before them. Administrators put a lot of effort into making sure rates were set up in an equitable way that reflected the difference in cost for smaller users vs. larger users. They also changed the sewer fee calculation to base it on 80% of water use instead of 100% to acknowledge that not all water discharges to the city sewer system. Last year – FY2018 – administrators did not recommend any increase in rates. This year,

they are proposing a very small, reasonable increase. Tier 1 (0 to 16 CCF) represents a 1% rate increase and Tier 2 (>16 CCF) is a 2% increase, he presented.

Director LaScaleia provided a memo and made a presentation at the Finance Committee public hearing, he reminded.

The rate recommendation is to generate additional revenue. On the water side the increase will generate \$113,168 and on the sewer side \$125,314.

As part of her presentation, the director reviewed some of the major capital projects that have been undertaken in the past few years and large projects to be undertaken in the immediate future, Mayor Narkewicz continued. Projects to be completed include replacement of the Audubon Road Tank, relocation of a major transmission line and repairs to the spillway of the Audubon Dam.

On the sewer side, DPW administrators are proposing replacement of major sewer lines and repairs at the Wastewater Treatment Plant (WWTP). City officials want to make sure they have the capacity to take on these larger projects as they come on line, he advised. Administrators have requested \$17.2 million for the Audubon Road Tank Rehabilitation and dam and spillway repairs.

On the sewer side, administrators have requested \$22,500,000 for some of the major projects and upgrades at the wastewater treatment plant.

In terms of the impact of this volumetric rate change, 80% of water customers are residential water customers with 5/8" water lines, Mayor Narkewicz said. Average water consumption for residential customers is about 15 CCF. The combined impact of the water and sewer rate increases is about \$9.60 a year for a customer with a 5/8" line and 15 CCF consumption.

Councilor Bidwell voiced his recollection that consultants said a good argument could be made for a considerable increase in the fixed rate over time. He asked about the decision to increase the volumetric rate modestly rather than to increase the fixed rate more aggressively.

In her memo, Director LaScaleia does mention that she will be making a modest increase in fixed rates to keep pace with the volumetric rates, Mayor Narkewicz responded. Another \$60,000 in revenue will be generated by tweaks to the fixed rate, he confirmed. Using the same 5/8"-inch meter example, the fixed rate meter charge will go from \$12.64 per quarter to \$13.90 a quarter for a \$5 annual increase.

Councilor Bidwell expressed his understanding that the fixed rates are really small in comparison to any one user's share of the cost of the entire system. Based on this, he questioned why the fixed fee component wasn't adjusted more aggressively.

Administrators are trying to strike a balance knowing over time that they will have to address long-term projects, Mayor Narkewicz elaborated. The theory is that there is a fixed cost to having and maintaining the system without even turning on the water. His point is well taken, he assured.

**18.074 Order to
Reprogram Funds
to Purchase Pay to
Park Kiosks - 1st
Reading**

DPW officials went to tiered rates to accommodate small users who do not use a lot of water. They have tried to balance rates to make sure larger users are paying more.

Councilor Dwight expressed his understanding that a motive behind the tiered rate system is to promote conservation. He likes the idea of having rates directly related to use and at the same time promoting self-imposed water conservation to reduce consumption.

Fixed rates are going up at a higher percentage relative to the increase in the volumetric rate, Mayor Narkewicz clarified.

Councilor LaBarge thanked Mayor Narkewicz for listening to her residents at the

hearings held.

18.074 Order to Reprogram Funds to Purchase Pay to Park Kiosks - 1st Reading

Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with one absent (Councilor Carney).

See minutes of April 19, 2018 for second reading.

18.075 Order to Reprogram Forbes Tree and Fire Alarm Account Funds to Replace Tractor - 1st Reading

18.075 Order to Reprogram Forbes Tree and Fire Alarm Account Funds to Replace Tractor - 1st Reading

Councilor LaBarge moved to approve the order in first reading Councilor Bidwell seconded. The motion passed unanimously 8:0 by roll call vote with one absence (Councilor Carney).

See minutes of April 19, 2018 for second reading.

18.076 Order to Authorize Payment of Prior Year Bill - 1st Reading

18.076 Order to Authorize Payment of Prior Year Bill - 1st Reading

Councilor LaBarge moved to approve the order in first reading. Councilor Klein seconded. The motion passed unanimously 8:0 by roll call vote with one absence (Councilor Carney)

See minutes of April 19, 2018 for second reading.

18.077 Order to Rescind Remaining Borrowing Authority for River Road Retaining Wall Project - 1st Reading

18.077 Order to Rescind Remaining Borrowing Authority for River Road Retaining Wall Project - 1st Reading

Councilor LaBarge moved to approve the order in first reading. Councilor Klein seconded. The motion passed unanimously 8:0 by roll call vote with one absence (Councilor Carney)

See minutes of April 19, 2018 for second reading.

18.079 Order to Appropriate \$7,500 from Free Cash for UPS at Florence Fire Station - two readings requested

18.079 Order to Appropriate \$7,500 from Free Cash for UPS at Florence Fire Station - two readings requested

Councilor Klein moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with one absence (Councilor Carney)

Councilor Dwight moved to suspend council rules to allow a second reading. Councilor Murphy seconded. The motion passed unanimously 8:0 by voice vote.

Councilor Klein moved to approve the order in second reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote with one absence (Councilor Carney)

The following order passed second reading:

City of Northampton
MASSACHUSETTS

In City Council

April 5, 2018

Upon recommendation of the Mayor

18.079 Order to Appropriate \$7,500 from Free Cash for UPS at Florence Fire

Station*Ordered, that*

\$7,500 be appropriated from the FY18 General Fund Undesignated Fund Balance (Free Cash) to replace the Uninterrupted Power System in the server room at the Florence Fire Station.

Rules suspended, passed two reading and enrolled.

**Financial Orders
(on second
reading)
18.028 Order To
Accept M.G.L. Ch.
64N, Section 3 (A),
Local Option Sales
Tax On Marijuana
Sales – 2nd
Reading**

Financial Orders (on second reading)**18.028 Order To Accept M.G.L. Ch. 64N, Section 3 (A), Local Option Sales Tax On Marijuana Sales – 2nd Reading**

Councilor LaBarge moved to approve the order in second reading. Councilor Bidwell seconded. The motion passed unanimously by roll call vote 8:0 with one absent (Councilor Carney).

The following order passed second reading:

City of Northampton
MASSACHUSETTS

In City Council, February 1, 2018

*Upon the recommendation of Mayor David J. Narkewicz,
O-18.028 Order to Accept M.G.L. Ch. 64N, Section 3 (a), Local Option Sales Tax on Marijuana Sales
Ordered, that*

WHEREAS, by virtue of an initiative petition presented to the voters as Question 4 on the 2016 State Election ballot, the voters of Massachusetts voted to allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate; and

WHEREAS, by virtue of M.G.L. c. 64N, § 3 (a), the legislature has authorized cities and towns to impose a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at a rate not greater than 3 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products; and

WHEREAS, the authorization contained in § 3 (a) is a local option, requiring the city council to accept the provisions thereof.

NOW, THEREFORE BE IT ORDERED,

That the City of Northampton accepts the provisions of Section 3(a) of M.G.L. Chapter 64N and hereby imposes a 3 per cent local sales tax on the retail sales

Rules suspended, passed two readings and enrolled.

**18.058 Order to
Waive Chapter 61A
Right of First
Refusal at 508
Sylvester Road –
2nd Reading**

18.058 Order to Waive Chapter 61A Right of First Refusal at 508 Sylvester Road – 2nd Reading

Councilor Klein moved to approve the order in second reading. Councilor LaBarge seconded. The motion passed unanimously 8:0 by roll call vote (Carney absent).

The following order passed second reading:

City of Northampton
MASSACHUSETTS

O-18.058 Order to Waive Chapter 61A Right of First Refusal at 508 Sylvester Road

In City Council, March 15, 2018

Upon the recommendation of Mayor David J. Narkewicz and Planning & Sustainability Commission

Ordered, that

WHEREAS, The City holds a right-of-first refusal on 1.858 acres at 508 Sylvester Road (Map ID: 20-006) as part of a larger Chapter 61A lien on 43+ acres; and

WHEREAS, This parcel has been used for residential purposes for decades and is not part of the agricultural land of interest under Chapter 61A;

NOW, THEREFORE BE IT ORDERED,

City Council authorizes the Mayor to waive the City's right of first refusal pursuant to the provisions of G.L. c. 61A.

Rules suspended, passed two readings and enrolled.

18.059 Order to
Expand Parsons
Brook Greenway
with Land from
former Bill Willard,
Inc. Property – 2nd
Reading

18.059 Order to Expand Parsons Brook Greenway with Land from former Bill Willard, Inc. Property – 2nd Reading

Councilor LaBarge moved to approve the order in second reading. Councilor Sciarra seconded. The motion passed unanimously 8:0 by roll call vote (Carney absent).

The following order passed second reading:

City of Northampton

MASSACHUSETTS

O-18.059 Order

to Expand Parsons Brook Greenway with Land from Former Bill Willard, Inc. Property

In City Council, March 15, 2018

Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, and the Conservation Commission

Ordered, that

WHEREAS, The *Open Space and Recreation Plan: 2011-2018* recommends "preserving land to provide ecological and human connection between protected land at...Parsons Brook and Burt's Pit. These ...are connected ecologically and can be better connected along waterways (for wildlife) and high points (for human trails)"; and

WHEREAS, The City is negotiating to purchase some of the land that is now or formerly land of Bill Willard, Inc:

- 87.891± acres abutting the existing Parsons Brook Greenway; and
- Additional land (roughly 40 acres) further west abutting that 87.891 acres and Parsons Brook; and

WHEREAS, The land contains valuable wildlife and plant habitat and a linkage along Parsons Brook;

Ordered, that

The Conservation Commission is authorized to purchase or otherwise acquire for conservation and passive recreation purposes, as provided by MGL Chapter 40, §8C, any fee, easement or conservation restriction as defined in MGL Chapter 184, §31 or any other interest in the above land and any immediately adjoining land; that the City Council hereby accepts such conservation restrictions; that the Conservation Commission is authorized to grant conservation restrictions on any land so acquired; and that the Conservation Commission is authorized to contract for and expend any federal, state, or other aid available for this project, including any grant from the Division of Conservation Services of the Executive Office of Energy and Environmental Affairs, under the LAND/Self-Help Act, MGL Chapter 132A, §11, with such related restrictions and agreements as the City determines are agreeable;

Further that \$200,000 is appropriated for such acquisition; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$200,000 under MGL c.44, §7(3); and that the Conservation Commission is authorized to contract for any federal, state, or other aid available for this project, including any grant from the Division of Conservation Services of the Executive Office of Environmental Affairs, under the LAND Self-Help Act, Chapter 132A, §11 of the General Laws;

Further that any grants, donations, or sales shall be used to reimburse open space funds used for the purchase.

Further, that the City Council hereby accepts such conservation restrictions:

Further, that the Conservation Commission is authorized to grant conservation restrictions on any land so acquired.



Rules suspended, passed two readings and enrolled.

18.060 Order to
Authorize
Northampton
School Committee
to Accept Gift of
New Floor from
Jackson Street
School PTO – 2nd
Reading

18.060 Order to Authorize Northampton School Committee to Accept Gift of
New Floor from Jackson Street School PTO – 2nd Reading

Councilor LaBarge moved to approve the order in second reading. Councilor Klein seconded. The motion passed unanimously 8:0 by roll call vote (Carney absent).

The following order passed second reading:

City of Northampton
MASSACHUSETTS

In City Council

March 15, 2018

Upon recommendation of the Mayor

O-18.060 Order to Authorize Northampton School Committee to Accept Gift of New Floor from Jackson Street School PTO

WHEREAS, the Jackson Street School PTO has decided to make the renewal of the school library a priority and formed a committee to create a vision for improving the physical space;

WHEREAS, in anticipation of this work the PTO raised funds in excess of \$46,000 to replace the existing carpet in the Jackson Street School Library with a new resilient linoleum floor;

WHEREAS, the Northampton Public Schools has been offered the new floor as a gift from the Jackson Street Elementary School PTO;

WHEREAS, the Northampton School Committee has voted to accept a material gift of a new floor for the Jackson Street School library;

WHEREAS, Massachusetts General Laws ch. 44 s.53A1/2 provides that acceptance of gifts of tangible personal property requires a vote of the City Council and approval of the Mayor; and

Now Therefore Be It Ordered,

The City Council hereby authorizes the Northampton School Committee to accept the gift of a new floor for the Jackson Street Elementary School Library from the Jackson Street School Parent Teacher Organization (PTO) with grateful appreciation for the PTO's interest in renovating the school library to make it a more fun and inviting place for students.

Rules suspended, passed two readings and enrolled.

18.061 Order to Reprogram River Road Retaining Wall Balance to Paving Projects – 2nd Reading

18.061 Order to Reprogram River Road Retaining Wall Balance to Paving Projects – 2nd Reading

Councilor Bidwell moved to approve the order in second reading. Councilor Sciarra seconded. The motion passed unanimously 8:0 by roll call vote (Carney absent).

The following order passed second reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In City Council,

March 15, 2018

Upon the recommendation of the Mayor

18.061 Order to Reprogram River Road Retaining Wall Balance to Paving Projects

Ordered, that

the sum of \$168,931.64, which represents the balance of funds previously borrowed to pay costs of the River Road retaining wall project, which project is now complete, shall be reprogrammed to be used for upcoming roadway engineering, design and reconstruction projects.

Rules suspended, passed two readings and enrolled.

18.062 Order to

18.062 Order to Authorize Payment of a Prior Year Bill – 2nd Reading

**Authorize Payment
of a Prior Year Bill
– 2nd Reading**

Councilor Klein moved to approve the order in second reading. Councilor Dwight seconded. The motion passed unanimously 8:0 by roll call vote. (Carney absent)

The following order passed second reading:

City of Northampton
MASSACHUSETTS

In City Council March 15, 2018

Upon recommendation of the Mayor

18.062 ORDER TO AUTHORIZE PAYMENT OF A PRIOR YEAR BILL

Ordered, that

that the Council authorize the payment of a prior year bill in the amount of \$800 to Green Environmental Consulting for work related to the replacement of the gym floor at R.K. Finn Ryan Road School in April of 2017.

Rules suspended, passed two readings and enrolled.

Orders

**18.021 Order for
King Street
Acceptance – 2nd
Reading**

Orders

18.021 Order for King Street Acceptance – 2nd Reading

Councilor Dwight moved to approve the order in second reading. Councilor Klein seconded.

The DPW prepared plans showing the layout of King Street with the addition of the easements at 347, 361 and 325 King Street, Mrs. Krutzler noted. The city engineer requested that the order be amended to incorporate a reference to this plan. To accommodate this request, she added a plan reference to the 'Ordered that' clause. The city solicitor has reviewed the change and added a few non-substantive clerical changes. If these amendments are agreeable to the council, it is necessary for someone to make a motion to approve the amendments as recommended by the city solicitor, she advised.

Councilor Dwight so moved. Councilor Sciarra seconded. The motion to amend the order as described passed unanimously 8:0 by voice vote (Carney absent).

Councilor O'Donnell called the motion to approve the amended order to a vote, and it passed on a roll call vote of 8 Yes, 0 No. (Carney absent)

The following ordered passed second reading:

City of Northampton
MASSACHUSETTS

In City Council, February 1, 2018

Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability, and DPW

18.021 Order for King Street Acceptance

Ordered, that

WHEREAS, On September 5, 2013, City Council approved an order authorizing the Mayor to acquire easements and fee-simple title to certain strips of land along King Street to

accommodate current and future pedestrian and bicycle infrastructure (“the properties”);

WHEREAS, By virtue of the following deeds, the City has acquired title to the properties necessary to include them in the layout of King Street:

- Deed of Cosenzi Automotive Realty Limited Partnership, dated January 31, 2014, and recorded in the Hampshire Registry of Deeds in Book 11577, Page 205.
- Deed of Colvest Northampton LLC, dated January 31, 2014, and recorded in the Hampshire Registry of Deeds in Book 11577, Page 208,

WHEREAS, A Street Acceptance Petition for the above parcels of land has been filed with the City and submitted to City Council.

Ordered, that

The layout of King Street is hereby modified by the addition of the parcels shown on two plans, one entitled, “King Street Layout Alteration, 347 & 361 King Street (C-1)” and the other entitled “King Street Layout Alteration, 325 King Street (C-2),” each of which was prepared by the Department of Public Works Engineering Division and dated February 28, 2018, which parcels are hereby accepted and laid out as part of the King Street right-of-way.

Rules suspended, passed two readings and enrolled.

18.024 Order for Garfield Street Acceptance – 2nd Reading

18.024 Order for Garfield Street Acceptance – 2nd Reading

Councilor Klein moved to approve the order in second reading. Councilor Dwight seconded The motion passed unanimously 8:0 by roll call vote. (Carney absent)

The following order passed second reading:

City of Northampton

MASSACHUSETTS

In City Council, February 1, 2018

Upon the recommendation of Mayor David J. Narkewicz, Planning & Sustainability

O-18.024 Order for Garfield Avenue Acceptance

Ordered, that

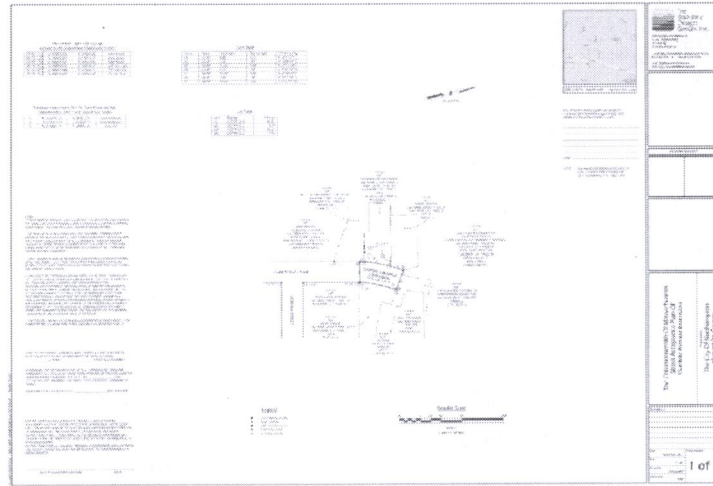
WHEREAS, On March 25, 2004, the Zoning Board of Appeals approved a Comprehensive Permit for the construction of new units and the extension of Garfield Avenue through Subdivision to create frontage for these new lots as shown in the street acceptance plan attached;

WHEREAS, The subdivision plan has been completed with construction by Pioneer Valley Habitat for Humanity for the segment of street in accordance with the Rules and Regulations Governing the Subdivision of Land In Northampton;

WHEREAS Pioneer Valley Habitat for Humanity has offered the land to the City and completed the required title search, payments, legal description, and submitted the required plans along with a petition for Street Acceptance to City Council;

Ordered, that

The above referenced land be accepted as part of the Garfield Avenue right-of-way.



Rules suspended, passed two readings and enrolled.

Ordinances (Not yet referred)
18.080 Ordinance Limiting the Number of Retail Marijuana Establishments in the City

Ordinances (Not yet referred)

18.080 An Ordinance Limiting the Number of Retail Marijuana Establishments in the City

Councilor Bidwell moved to put the ordinance on the floor for discussion. Councilor Nash seconded.

Councilor O'Donnell invited the sponsors to speak to the intent of the ordinance.

The city council has already addressed zoning issues and has an opportunity to address other aspects of how marijuana legislation will be implemented, Councilor Bidwell reminded. One of the recommendations heard from the Board of Health and prevention coalitions is to place a cap on the number of retail marijuana establishments. This ordinance would set that cap at 10. As he has told others, he thinks it is very unlikely that Northampton would need such a cap because the burden and requirements that have to be met to open a retail marijuana establishment are substantial. The application process itself is rigorous. Owners/operators have to have legal control of the premises, demonstrate that they have financial means, have an agreement in place with a grower and an executed host agreement, among other things, he noted.

He doesn't think there will be 15 to 20 organizations that make it through that process but nevertheless thinks there is some merit in putting a cap at 10 in case they are wrong, he related. He is sympathetic to the concern from a law enforcement and public health standpoint that it might not be the best thing to start off with 15 establishments. He doesn't think it is necessary to start as low as 4; he believes a cap of 10 sends the message that city officials are very interested in attracting this vibrant industry but that they want to be modest in how they start off and don't want to be deluged from the top.

Most of them have insurance for unforeseen events, Councilor Nash pointed out, such as auto insurance for when they don't expect to back into somebody's car, homeowner's insurance for when a Nor'easter damages their house and health insurance for when they need to go to the doctor. The cap sponsored by him and Councilor Bidwell is about insuring that the new retail industry will not grow in an

unchecked manner and change the fabric of the community without their having a say, he suggested. He is supportive of the new industry; the cap is not intended to hinder the impact of a vibrant retail marijuana market. He looks forward to July 1st when the purchase of marijuana products will be allowed to happen in a casual manner without the stigma of criminalization. Recreational marijuana is already a part of their community and their culture. He welcomes the step toward further destigmatizing its use. Legalizing the sale of marijuana will put a check on the black market which does not generate tax revenue and does not always supply a quality product. With legitimate retail marijuana, purchasers will have improved marijuana products and will know what the product is, where it has been grown and its potency. While he embraces positive change, he does harbor concerns and these are at the heart of the cap proposal.

Marijuana use can impair one's ability to safely drive a motor vehicle, may impact brain development in teens and young adults and can be addictive to those predisposed to dependency. There will be some lives changed for the worse. These views have come to them from the Board of Health, the District Attorney's office, the police department and the network of dedicated people preventing drug and alcohol abuse in their community. The cap they are proposing allows the community time to adapt to a new industry. The proposed cap is a 'surge protector' that provides the new cannabis retail industry room to grow yet insures that they don't have a tidal wave of cannabis shops changing their city faster than they are ready for. He thanked his colleagues for considering the cap.

Councilor Dwight moved to refer the ordinance to the Committee on Legislative Matters. Councilor LaBarge seconded. The motion passed unanimously 8:0 by voice vote (Carney absent).

Ordinances (on
2nd Reading)
18.043 Ordinance
related to bicycling
on sidewalks,
defining multi-use
trails, and regulat-
ing bike lanes

Ordinances (on 2nd Reading)

18.043 An Ordinance related to bicycling on sidewalks, defining multi-use trails, and regulating bike lanes – 2nd Reading

Councilor LaBarge moved to approve the order in second reading. Councilor Dwight seconded. The motion passed unanimously 8:0 by roll call (Carney absent).

The following ordinance passed second reading:

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Eighteen

Upon the Recommendation of Mayor David J. Narkewicz and the Transportation & Parking Commission

**18.043 AN ORDINANCE
RELATED TO BICYCLING ON SIDEWALKS, DEFINING MULTI-USE TRAILS,
AND REGULATING BIKE LANES**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Sections 285-12(B), 312-78(A), and 312-80 providing for rules for bicycles on sidewalks, multiuse trails, and bicycle lanes.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

*That the code of ordinances be amended by inserting the following language shown in **BOLD** and deleting ~~striketrough~~ language. These amendments do NOT amend any other subsections or portions of the sections shown:*

Amend **Section 285-12 (B)** to add an additional “provisions for bicycling” to “certain activities on streets and sidewalks prohibited”

B. Provisions for bicycles.

(1) Bicycles shall be allowed to be driven on all streets and on all sidewalks outside the Central Downtown Business District and the General Business District.

(2) Bicycles shall not be allowed to be driven on the sidewalks in the Central Business Downtown District and General Florence Business District, as defined below, except that bicycles shall be allowed to be driven in those districts on any section of sidewalk that is part of any marked multiuse trails (bicycle path), or marked cycle track or buffered bicycle lane.

Amend Section 312-78(A) to better defining multiuse trails

A. No motorized vehicles except those defined as Low Speed Electric Bicycles by 15 United States Code (U.S.C) Section 2085 and electrically powered mobility devices for people with disabilities or horses will be allowed on multiuse trails or bicycle paths, with the exception of emergency and/or maintenance vehicles belonging to National Grid, the City of Northampton, the Commonwealth of Massachusetts, or their agents.

Notwithstanding the foregoing, Low Speed Electric Bicycles as defined by 15 United States Code (U.S.C) Section 2085 and electrically powered mobility devices for people with disabilities shall be permitted on multiuse trails and bicycle paths. Multiuse rails include the MassCentral Rail Trail, the New Haven & Northampton Canal Line (Manhan) Rail Trail, the Rocky Hill Greenway, and any other marked multiuse trail (bicycle path), but not including earthen and walking trails.

Rules suspended, passed two readings, ordained and enrolled.

<p><u>Information Requests (Charter Provision 2-7) and Information Study Requests</u></p>	<p><u>Information Requests (Charter Provision 2-7) and Information Study Requests</u></p> <p>None</p>
<p><u>Motion to Adjourn</u></p>	<p>At 8:51 p.m., a motion to adjourn was made by Councilor Dwight and seconded by Councilor Klein. The motion passed on a voice vote of 8 Yes, 0 No.</p> <p>Attest: Laura Krutzler, Administrative Assistant to the City Council</p>

2018 - 2019 ROLL CALL RECORD FOR NORTHAMPTON CITY COUNCIL

Record of City Council Votes for April 5, 2018		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
Roll Call by Laura Krutzler, Administrative Assistant to the to the City Council @ 7:36 p.m.		Present	Absent	Present	Present	Present	Present	Present	Present	Present	Absent
Vote to determine whether the Mayor will be unable to fulfill the duties of the office during his upcoming trip abroad.	Approve	Yes	Absent	Motion made to invoke Article 3, Section 3-7 of the Northampton Charter Yes	Yes	Yes	Second Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.078 A Resolution in Support of Legislation to Reduce Gun Violence in Massachusetts	1st Reading	Yes	Absent	Motion to approve Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.070 Order to Establish Water and Sewer Rates for FY 2019	1st Reading	Yes	Absent	Motion to approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.074 Order to Reprogram Funds to Purchase Pay to Park Kiosks	1st Reading	Yes	Absent	Motion to approve Yes	Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.075 Order to Reprogram Forbes Tree and Fire Alarm Account Funds to Replace Tractor	1st Reading	Second Yes	Absent	Yes	Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.076 Order to Authorize Payment of Prior Year Bill	1st Reading	Yes	Absent	Yes	Second Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.077 Order to Rescind Remaining Borrowing Authority for River Road Retaining Wall Project	1st Reading	Yes	Absent	Yes	Second Yes	Motion to approve Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No

Record of City Council Votes for April 5, 2018		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
18.079 Order to Appropriate \$7,500 from Free Cash for UPS at Florence Fire Station - two readings requested	1st Reading	Yes	Absent	Yes	Motion to approve Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
	Motion to Suspend Rules	Councilor Dwight moved to suspend council rules to allow for a second reading; Councilor Murphy seconded the motion. The motion was approved on a voice vote; Councilor Carney was absent.									Motion Carried 8 Yes, 0 No
	2nd Reading	Yes	Absent	Yes	Motion to approve Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.028 Order To Accept M.G.L. Ch. 64N, Section 3 (A), Local Option Sales Tax On Marijuana Sales	2nd Reading	Second Yes	Absent	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.058 Order to Waive Chapter 61A Right of First Refusal at 508 Sylvester Road	2nd Reading	Yes	Absent	Yes	Motion to Approve Yes	Second Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.059 Order to Expand Parsons Brook Greenway with Land from former Bill Willard, Inc. Property	2nd Reading	Yes	Absent	Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Second Yes	Motion Carried 8 Yes, 0 No
18.060 Order to Authorize Northampton School Committee to Accept Gift of New Floor from Jackson Street School PTO	2nd Reading	Yes	Absent	Yes	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.061 Order to Reprogram River Road Retaining Wall Balance to Paving Projects	2nd Reading	Motion to Approve Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Second Yes	Motion Carried 8 Yes, 0 No
18.062 Order to Authorize Payment of a Prior Year Bill	2nd Reading	Yes	Absent	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.021 Order for King Street Acceptance	2nd Reading	Yes	Absent	Motion to Approve Yes	Second Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No
18.024 Order for Garfield Street Acceptance	2nd Reading	Yes	Absent	Second Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No

Record of City Council Votes for April 5, 2018		Bidwell	Carney	Dwight	Klein	LaBarge	Murphy	Nash	O'Donnell	Sciarra	Total
18.043 An Ordinance related to bicycling on sidewalks, defining multi-use trails, and regulating bike lane	2nd Reading	Yes	Absent	Second Yes	Yes	Motion to Approve Yes	Yes	Yes	Yes	Yes	Motion Carried 8 Yes, 0 No

At 8:51 p.m. Councilor Dwight moved to adjourn the meeting; Councilor Klein seconded the motion. The motion was approved on a voice vote of 8 Yes, 0 No, 1 Absent (Councilor Carney.
Recorded by: Laura Krutzler, Administrative Assistant to the City Council